

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
SONIA KIRKLAND and DARRELL KIRKLAND,

SUMMONS

Plaintiffs,

Index No.:

-against-

Basis of Venue is CPLR ' 503(a)

SKATE NATION, INC., THE SOUTH STREET
SEAPORT CORPORATION, SEAPORT
MARKETPLACE, INC. and THE CITY OF
NEW YORK,

Plaintiffs= Address:

40 Madison Street
Apartment 2A
New York, New York 10038

Defendants.

-----X

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on plaintiff's attorney: (a) if this Summons is served by its delivery personally within the State of New York, you must appear and answer within **TWENTY** days after such service; or (b) if this Summons is served by delivery to any person other than you personally, or is served outside the State of New York, or by publication, or by any means other than personal delivery to you within the State of New York, you are allowed **THIRTY** days after such service; and in case of your failure to appear, judgment will be taken against you by default for the relief demanded herein.

Dated: New York, New York
August 16, 1999

Howard P. Klar, Esq.
Motola Klar & Dinowitz, LLP
Attorneys for Plaintiffs
185 Madison Avenue
New York, New York 10016
(212) 683-7100

Defendants' Addresses:

Skate Nation, Inc.
c/o Beverly L. Crump
11 South 12th Street

Richmond, VA 23219

The South Street Seaport Corporation
207 Front Street
New York, New York 10038

Seaport Marketplace, Inc.
c/o Corporation Service Company
80 State Street
Albany, New York 12207-2543

The City of New York
Michael D. Hess
Corporation Counsel
100 Church Street
New York, New York 10007

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
SONIA KIRKLAND and DARRELL KIRKLAND,

VERIFIED COMPLAINT

Plaintiffs,

Index No.: 117605/99

-against-

SKATE NATION, INC., THE SOUTH STREET
SEAPORT CORPORATION, SEAPORT
MARKETPLACE, INC. and THE CITY OF
NEW YORK,

Defendants.

-----X

Plaintiffs, by their attorneys, MOTOLA KLAR & DINOWITZ, LLP, as and for a Verified Complaint, respectfully sets forth and allege the following, upon information and belief:

1. That at all times relevant herein, plaintiffs were and still are residents of the County, City and State of New York.
2. That at all times relevant herein, defendant, Skate Nation, Inc., was and still is a foreign corporation duly organized under the laws of the State of Delaware.
3. That at all times relevant herein, defendant Skate Nation, Inc., was and still is a foreign corporation authorized to do business in the State of New York.
4. That at all times relevant herein, defendant Skate Nation, Inc., was and still is domestic corporation duly organized under the laws of the State of New York.
5. That at all times relevant herein, defendant, The South Street Seaport Corporation, was and still is a foreign corporation duly organized under the laws of the State of Delaware.
6. That at all times relevant herein, defendant The South Street Seaport Corporation, was and still is

a foreign corporation authorized to do business in the State of New York.

7. That at all times relevant herein, defendant The South Street Seaport Corporation, was and still is domestic corporation duly organized under the laws of the State of New York.

8. That at all times relevant herein, defendant, Seaport Marketplace, Inc., was and still is a foreign corporation duly organized under the laws of the State of Maryland.

9. That at all times relevant herein, defendant Seaport Marketplace, Inc., was and still is a foreign corporation authorized to do business in the State of New York.

10. That at all times relevant herein, defendant Seaport Marketplace, Inc., was and still is a domestic corporation duly organized under the laws of the State of New York.

11. That at all times relevant herein, defendant The City of New York was and still is a municipal corporation existing under and by virtue of the laws of the City and State of New York.

12. That heretofore and prior to the commencement of this action, and within ninety (90) days after the claims herein arose, plaintiff duly served upon the defendant The City of New York, a notice in writing, duly sworn and verified, setting forth the names and post office address of claimant and claimant's attorney; the nature of the claim; the time when, the place where and the manner in which said claim arose and the items of injuries and damages claimed to have been sustained herein as far as then practicable; that the aforementioned claim contained a notice that unless such claim was adjusted and paid within the time specified by law, that the plaintiff would commence an action to recover for the personal injuries and damages sustained by her.

13. That the defendant The City of New York has wholly neglected and refused to make an adjustment or payment thereof for more than thirty (30) days after presentation of the aforesaid claim.

14. That the action herein was commenced within one year and ninety (90) days after the cause of

action accrued.

AS AND FOR A FIRST CAUSE OF ACTION
AGAINST DEFENDANT SKATE NATION, INC.
ON BEHALF OF PLAINTIFF SONIA KIRKLAND

15. Plaintiffs repeat and reallege each and every allegation contained in paragraphs numbered A1" through "14" of the Complaint as though fully set forth herein.

16. That at all times relevant herein, defendant, Skate Nation, Inc., was the owner of the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

17. That at all times relevant herein, defendant, Skate Nation, Inc., operated the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

18. That at all times relevant herein, defendant, Skate Nation, Inc., controlled the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

19. That at all times relevant herein, defendant, Skate Nation, Inc., managed the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

20. That at all times relevant herein, defendant, Skate Nation, Inc., maintained the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

21. That at all times relevant herein, defendant, Skate Nation, Inc., repaired the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

22. That at all times hereinafter mentioned, defendant, Skate Nation, Inc., by its agents, servants, workmen and/or employees, was the entity, firm or corporation which effectuated and made repairs in and about the ice skating rink located at the South Street Seaport, in an improper manner, so as to create, suffer and permit to continue the dangerous, defective and hazardous condition hereinafter set forth.

23. That on or about January 2, 1999 at or about 5:45 p.m., at the ice skating rink located at the South Street Seaport, New York, New York, defendant Skate Nation, Inc., its agents, servants and/or employees negligently and carelessly caused, permitted and allowed said ice skating rink to become and remain in an unsafe and dangerous condition, all of which defendant had due notice or, by reasonable inspection thereof, should have had due notice.

24. That on or about January 2, 1999 at or about 5:45 p.m., on the ice skating rink located at the South Street Seaport, New York, New York, while plaintiff, SONIA KIRKLAND, was lawfully utilizing the ice skating rink thereat as a skater, she was caused to slip/trip and fall and be propelled to the ground, causing the severe, permanent and serious injuries hereinafter alleged.

25. That said accident and injuries sustained by the plaintiff were all caused by the negligence of the defendant Skate Nation, Inc., its agents, servants and/or employees in the ownership, operation, maintenance and control of the said ice skating rink at the South Street Seaport, and in the improper repair thereto, and in causing and creating the dangerous, defective and hazardous condition, so as to constitute a trap and a nuisance to skaters lawfully utilizing the said ice skating area, all of which the defendant had due and timely notice.

26. That said occurrence and the resulting injuries to plaintiff were caused solely by reason of the negligence, carelessness and recklessness of the defendant Skate Nation, Inc., its agents, servants and/or employees without any negligence on the part of the plaintiff contributing thereto.

27. That as a result of said occurrence, plaintiff herein sustained severe, painful and permanent injuries, both physically and mentally, suffered and still suffers severe pain and agony, required and will require medical care and attention, was and will be required to pay therefor, was and will be incapacitated by reason thereof, lost and will lose earnings and income and was otherwise injured and damaged.

28. That by reason of the foregoing negligence on the part of the defendant Skate Nation, Inc., plaintiff SONIA KIRKLAND has been damaged in the sum of TEN MILLION DOLLARS (\$10,000,000.00).

AS AND FOR A SECOND CAUSE OF ACTION
AGAINST DEFENDANT THE SOUTH STREET SEAPORT CORPORATION
ON BEHALF OF PLAINTIFF SONIA KIRKLAND

29. Plaintiffs repeat and reallege each and every allegation contained in paragraphs numbered A1" through "28" of the Complaint as though fully set forth herein.

30. That at all times relevant herein, defendant, The South Street Seaport Corporation, was the owner of the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

31. That at all times relevant herein, defendant, The South Street Seaport Corporation, operated the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

32. That at all times relevant herein, defendant, The South Street Seaport Corporation, controlled the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

33. That at all times relevant herein, defendant, The South Street Seaport Corporation, managed the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

34. That at all times relevant herein, defendant, The South Street Seaport Corporation, maintained the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

35. That at all times relevant herein, defendant, The South Street Seaport Corporation, repaired the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

36. That at all times hereinafter mentioned, defendant, The South Street Seaport Corporation, by its agents, servants, workmen and/or employees, was the entity, firm or corporation which effectuated and made repairs in and about the ice skating rink located at the South Street Seaport, in an improper manner, so as to create, suffer and permit to continue the dangerous, defective and hazardous condition hereinafter set forth.

37. That on or about January 2, 1999 at or about 5:45 p.m., at the ice skating rink located at the South Street Seaport, New York, New York, defendant The South Street Seaport Corporation, its agents, servants and/or employees negligently and carelessly caused, permitted and allowed said ice skating rink to become and remain in an unsafe and dangerous condition, all of which defendant had due notice, or by reasonable inspection thereof, should have had due notice.

38. That on or about January 2, 1999 at or about 5:45 p.m., on the ice skating rink located at the South Street Seaport, New York, New York, while plaintiff, SONIA KIRKLAND, was lawfully utilizing the ice skating rink thereat as a skater, she was caused to slip/trip and fall and be propelled to the ground, causing the severe, permanent and serious injuries hereinafter alleged.

39. That said accident and injuries sustained by the plaintiff were all caused by the negligence of the defendant The South Street Seaport Corporation, its agents, servants and/or employees, in its ownership, operation, maintenance and control of the said ice skating rink at the South Street Seaport, and in its improper repair thereto, and in causing and creating the dangerous, defective and hazardous condition, so as to constitute a trap and a nuisance to skaters lawfully utilizing the said ice skating area, all of which the defendant had due and timely notice.

40. That said occurrence and resulting injuries to plaintiff were caused solely by reason of the negligence, carelessness and recklessness of the defendant The South Street Seaport Corporation, its agents, servants and/or employees without any negligence on the part of the plaintiff contributing thereto.

41. That as a result of said occurrence, plaintiff herein sustained severe, painful and permanent injuries, both physically and mentally, suffered and still suffers severe pain and agony, required and will require medical care and attention, was and will be required to pay therefor, was and will be incapacitated by reason thereof, lost and will lose earnings and income and was otherwise injured and damaged.

42. That by reason of the foregoing negligence on the part of the defendant The South Street Seaport Corporation, plaintiff SONIA KIRKLAND has been damaged in the sum of TEN MILLION DOLLARS (\$10,000,000.00).

AS AND FOR A THIRD CAUSE OF ACTION
AGAINST DEFENDANT SEAPORT MARKETPLACE, INC.
ON BEHALF OF PLAINTIFF SONIA KIRKLAND

43. Plaintiffs repeat and reallege each and every allegation contained in paragraphs numbered A1" through "42" of the Complaint as though fully set forth herein.

44. That at all times relevant herein, defendant, Seaport Marketplace, Inc., was the owner of the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

45. That at all times relevant herein, defendant, Seaport Marketplace, Inc., operated the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

46. That at all times relevant herein, defendant, Seaport Marketplace, Inc., controlled the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

47. That at all times relevant herein, defendant, Seaport Marketplace, Inc., managed the ice skating

rink located at the South Street Seaport in the City and State of New York, County of New York.

48. That at all times relevant herein, defendant, Seaport Marketplace, Inc., maintained the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

49. That at all times relevant herein, defendant, Seaport Marketplace, Inc., repaired the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

50. That at all times hereinafter mentioned, defendant, Seaport Marketplace, Inc., by its agents, servants, workmen and/or employees, was the entity, firm or corporation which effectuated and made repairs in and about the ice skating rink located at the South Street Seaport, in an improper manner, so as to create, suffer and permit to continue the dangerous, defective and hazardous condition hereinafter set forth.

51. That on or about January 2, 1999 at or about 5:45 p.m., at the ice skating rink located at the South Street Seaport, New York, New York, defendant Seaport Marketplace, Inc., its agents, servants and/or employees negligently and carelessly caused, permitted and allowed said ice skating rink to become and remain in an unsafe and dangerous condition, all of which defendant had due notice, or by reasonable inspection thereof, should have had due notice.

52. That on or about January 2, 1999 at or about 5:45 p.m., on the ice skating rink located at the South Street Seaport, New York, New York, while plaintiff, SONIA KIRKLAND, was lawfully utilizing the ice skating rink thereat as a skater, she was caused to slip/trip and fall and be propelled to the ground, causing the severe, permanent and serious injuries hereinafter alleged.

53. That said accident and injuries sustained by the plaintiff were all caused by the negligence of the defendant Seaport Marketplace, Inc., its agents, servants and/or employees, in its ownership, operation, maintenance and control of the said ice skating rink at the South Street Seaport, and in its improper repair

thereto, and in causing and creating the dangerous, defective and hazardous condition, so as to constitute a trap and a nuisance to skaters lawfully utilizing the said ice skating area, all of which the defendant had due and timely notice.

54. That said occurrence and resulting injuries to plaintiff were caused solely by reason of the negligence, carelessness and recklessness of the defendant Seaport Marketplace, Inc., its agents, servants and/or employees without any negligence on the part of the plaintiff contributing thereto.

55. That as a result of said occurrence, plaintiff herein sustained severe, painful and permanent injuries, both physically and mentally, suffered and still suffers severe pain and agony, required and will require medical care and attention, was and will be required to pay therefor, was and will be incapacitated by reason thereof, lost and will lose earnings and income and was otherwise injured and damaged.

56. That by reason of the foregoing negligence on the part of the defendant Seaport Marketplace, Inc., plaintiff SONIA KIRKLAND has been damaged in the sum of TEN MILLION DOLLARS (\$10,000,000.00).

AS AND FOR A FOURTH CAUSE OF ACTION
AGAINST DEFENDANT THE CITY OF NEW YORK
ON BEHALF OF PLAINTIFF SONIA KIRKLAND

57. Plaintiff repeats and realleges each and every allegation contained in paragraphs numbered A1" through "56" of the Complaint as though fully set forth herein.

58. That at all times relevant herein, defendant, The City of New York, was the owner of the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

59. That at all times relevant herein, defendant, The City of New York, operated the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

60. That at all times relevant herein, defendant, The City of New York, controlled the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

61. That at all times relevant herein, defendant, The City of New York, managed the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

62. That at all times relevant herein, defendant, The City of New York, maintained the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

63. That at all times relevant herein, defendant, The City of New York, repaired the ice skating rink located at the South Street Seaport in the City and State of New York, County of New York.

64. That at all times hereinafter mentioned, defendant, The City of New York, by its agents, servants, workmen and/or employees, was the entity, firm or corporation which effectuated and made repairs in and about the ice skating rink located at the South Street Seaport, in an improper manner, so as to create, suffer and permit to continue the dangerous, defective and hazardous condition hereinafter set forth.

65. That on or about January 2, 1999 at or about 5:45 p.m., at the ice skating rink located at the South Street Seaport, New York, New York, defendant The City of New York, its agents, servants and/or employees negligently and carelessly caused, permitted and allowed said ice skating rink to become and remain in an unsafe and dangerous condition, all of which defendant had due notice, or by reasonable inspection thereof, should have had due notice.

66. That on or about January 2, 1999 at or about 5:45 p.m., on the ice skating rink located at the South Street Seaport, New York, New York, while plaintiff, SONIA KIRKLAND, was lawfully utilizing the ice skating rink thereat as a skater, she was caused to slip/trip and fall and be propelled to the ground, causing the severe, permanent and serious injuries hereinafter alleged.

67. That said accident and injuries sustained by the plaintiff were all caused by the negligence of the

defendant The City of New York, its agents, servants and/or employees, in its ownership, operation, maintenance and control of the said ice skating rink at the South Street Seaport, and in its improper repair thereto, and in causing and creating the dangerous, defective and hazardous condition, so as to constitute a trap and a nuisance to skaters lawfully utilizing the said ice skating area, all of which the defendant had due and timely notice.

68. That said occurrence and resulting injuries to plaintiff were caused solely by reason of the negligence, carelessness and recklessness of the defendant The City of New York, its agents, servants and/or employees without any negligence on the part of the plaintiff contributing thereto.

69. That as a result of said occurrence, plaintiff herein sustained severe, painful and permanent injuries, both physically and mentally, suffered and still suffers severe pain and agony, required and will require medical care and attention, was and will be required to pay therefor, was and will be incapacitated by reason thereof, lost and will lose earnings and income and was otherwise injured and damaged.

70. That by reason of the foregoing negligence on the part of the defendant The City of New York, plaintiff SONIA KIRKLAND has been damaged in the sum of TEN MILLION DOLLARS (\$10,000,000.00).

AS AND FOR A FIFTH CAUSE OF ACTION
ON BEHALF OF PLAINTIFF DARRELL KIRKLAND

71. Plaintiffs repeat and reallege each and every allegation contained in paragraphs numbered A1" through "70" of the Complaint as though fully set forth herein.

72. That plaintiff DARRELL KIRKLAND resides in the County, City and State of New York.

73. That plaintiff DARRELL KIRKLAND was and is the lawful husband of SONIA KIRKLAND.

74. That DARRELL KIRKLAND has been caused the loss of his wife's companionship, services,

society, emotional support and services due to the disability of his wife in all respects having been impaired and depreciated since the occurrence complained of herein and this plaintiff having been caused great mental anguish.

75. That as a result of the foregoing, plaintiff DARRELL KIRKLAND has been damaged in the sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS.

WHEREFORE, the plaintiffs SONIA KIRKLAND and DARRELL KIRKLAND demand judgment:

1. Against the defendant Skate Nation, Inc. on the First Cause of Action, in the sum of TEN MILLION DOLLARS (\$10,000,000.00);

2. Against the defendant The South Street Seaport Corporation on the Second Cause of Action, in the sum of TEN MILLION DOLLARS (\$10,000,000.00);

3. Against the defendant Seaport Marketplace, Inc. on the Third Cause of Action, in the sum of TEN MILLION DOLLARS (\$10,000,000.00);

4. Against the defendant The City of New York on the Fourth Cause of Action, in the sum of TEN MILLION DOLLARS (\$10,000,000.00); and

5. Against Defendants on the Fifth Cause of Action, in the sum of Five Hundred Thousand Dollars (\$500,000),

together with the costs and disbursements of this action.

Dated: New York, New York
August 16, 1999

Yours, etc.

Howard P. Klar, Esq.
Motola Klar & Dinowitz, LLP
Attorneys for Plaintiffs
185 Madison Avenue
New York, New York 10016
(212) 683-7100

To:

Skate Nation, Inc.
c/o Beverly L. Crump
11 South 12th Street
Richmond, VA 23219

The South Street Seaport Corporation
207 Front Street
New York, New York 10038

Seaport Marketplace, Inc.
c/o Corporation Service Company
80 State Street
Albany, New York 12207-2543

The City of New York
Michael D. Hess
Corporation Counsel
100 Church Street
New York, New York 10007

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
SONIA KIRKLAND and DARRELL KIRKLAND

Plaintiffs,

-against-

SKATE NATION, INC., THE SOUTH STREET SEAPORT
CORPORATION, SEAPORT MARKETPLACE, INC. and
THE CITY OF NEW YORK,

Defendants
-----X

**VERIFIED BILL
OF PARTICULARS**

INDEX NO.: 117605/99

Plaintiffs, by their attorneys, MOTOLA KLAR DINOWITZ & CARFORA, LLP, as and for their
Verified Bill of Particulars in response to the demand of defendants SKATE NATION, INC. and THE
SOUTH STREET SEAPORT CORPORATION, allege, upon information and belief, as follows:

1. Plaintiffs reside at 40 Madison Street, Apartment 2A, New York, New York 10038.
2. The accident occurred on January 2, 1999 at approximately 6:00 p.m.
3. The accident occurred at the ice skating rink located at the South Street Seaport, New York, New York.
4. The accident occurred when plaintiff was caused to fall to the ground due to the presence of a dangerous, unsafe and hazardous hole in the surface of the ice skating rink. The defendants, their agents, servants and/or employees were negligent as follows: in causing, creating, permitting and allowing a hazardous and dangerous condition to exist at the aforesaid area; in failing to keep the aforesaid location free from dangerous and hazardous conditions; in unreasonably failing to inspect the subject area; in permitting the condition of the ice in the skating rink to become chipped, pitted, slushy, and otherwise unreasonably hazardous to those individuals utilizing the ice skating rink; in failing to erect barriers or other

safeguards so that the aforesaid location would remain free of hazardous and dangerous conditions; in failing to warn plaintiff of the dangerous and hazardous conditions in the ice skating rink; in allowing a dangerous and hazardous condition to remain in the aforesaid area for an unreasonable period of time; in failing to properly inspect, clean and maintain the aforesaid area; in failing to employ sufficient personnel to keep the aforesaid area free of dangerous and hazardous conditions; and in creating a dangerous and hazardous condition.

5. It is alleged that defendants had both actual and constructive knowledge of the subject dangerous and hazardous hole in the surface of the ice skating rink.

6. The requested information regarding actual notice is unknown by the plaintiff at the present time. Such information would be in the possession of the defendant. Thus, upon completion of discovery, this response will be supplemented.

7. The precise length of time the subject condition existed prior to the accident is unknown by the plaintiff at the present time. However, it is alleged that the subject dangerous and hazardous hole existed for at least one hour prior to the plaintiff's accident.

8. Plaintiff Sonia Kirkland sustained the following injuries as a result of the accident:

- a) Left tibia and fibula fractures requiring three surgeries, including open reduction and internal fixation, and bone graft;
- b) Severe pain of left leg, ankle and foot;
- c) Edema of the left leg, ankle and foot;
- d) Decreased range of motion of the left forefoot and toe;
- e) Swelling of the left leg, ankle and foot; and
- f) Decreased range of motion and strength of the left ankle.

All of the above injuries are believed to be permanent in nature which resulted in plaintiff Sonia Kirkland restricting her daily activities, and/or causing plaintiff to perform her daily activities with significant pain. Plaintiff underwent and continues to undergo physical therapy for the aforesaid injuries. Plaintiff was required to submit to various diagnostic tests as a result of the aforesaid injuries and was required to ingest prescription and non-prescription medication. In addition to the aforesaid injuries, plaintiff suffered severe bruises and contusions which have healed.

9. Plaintiff, Sonia Kirkland, was confined to Bellevue Hospital for approximately three weeks following her accident of January 2, 1999. Plaintiff was thereafter confined to Bellevue Hospital for subsequent operations to her left tibia and fibula during April 1999 and June 1999. Additional information regarding the exact dates plaintiff was confined to Bellevue Hospital may be obtained through the authorization permitting defendant to obtain plaintiff's Bellevue Hospital records, which is enclosed herein.

10. Plaintiff, Sonia Kirkland, was and is confined, as follows:

a) Bed: Plaintiff, Sonia Kirkland, has been confined to her bed

and/or wheelchair since the date of the accident.

b) Home: Plaintiff, Sonia Kirkland, has been confined to her home, except for medical treatment, since the date of the accident.

11. Lost earnings are not claimed by Sonia Kirkland.

12. Plaintiff Sonia Kirkland was not employed outside of the home on the date of the accident.

13. Plaintiff Sonia Kirkland has been totally disabled since the date of the accident.

14. (a) - (d) Plaintiff's medical and hospital expenses were paid by Medicaid. The amount of money which was paid, expended or incurred for medicines, medical appliances, x-rays, nursing, hospitalization and medical treatment to date as a result of plaintiff's accident may be obtained through use

of the enclosed medical and Medicaid authorization.

(e) Plaintiff has incurred out-of-pocket travel related expenses for transportation to and from her doctor visits and physical therapy appointments. Plaintiff has also incurred out-of-pocket expenses for non-prescription pain medications. The amounts of said damages will be provided. Information regarding any other damage or loss which plaintiff Sonia Kirkland has sustained as a result of the accident, if any, will be provided.

(f) Plaintiff Sonia Kirkland is not claiming any lost earnings as a result of the accident.

15. Not applicable. There is no claim for property damage being made.

16. Plaintiff, Sonia Kirkland, was born on September 23, 1950. Her social security number is 073-42-8568.

17. Plaintiffs will respectfully request that the Court take judicial notice of all statutes, rules, laws and/or ordinances that defendants violated at the time of trial.

Plaintiffs reserve the right to supplement each and every one of the above responses, where appropriate, including but not limited to special damages.

Dated: New York, New York
February 14, 2000

Yours, etc.,

KIMBERLY LEGGIO RICCIARDI
MOTOLA KLAR DINOWITZ & CARFORA, LLP
Attorneys for Plaintiffs
185 Madison Avenue, 12th Floor
New York, New York 10016
(212) 683-7100

To:

CALABRESE & CALABRESE, LLP
Attorneys for Defendants
Skate Nation, Inc. and
The South Street Seaport Corporation
Ten Bank Street
White Plains, New York 10606

NEWMANN FITCH ALTHEIM MYERS, P.C.
Attorneys for Defendant
SEAPORT MARKETPLACE, INC.
14 Wall Street, 22nd Floor
New York, New York 10005-2101

MICHAEL D. HESS
Corporation Counsel for Defendant
City of New York
100 Church Street
New York, New York 10007
City File # 99TT008841